



Substitute Senate Bill No. 593

Public Act No. 06-40

AN ACT CONCERNING THE APPLICABILITY OF OFFERS OF JUDGMENT AND THE INADMISSIBILITY OF APOLOGIES MADE BY HEALTH CARE PROVIDERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective from passage*) Sections 52-192a to 52-195, inclusive, of the general statutes, revision of 1958, revised to January 1, 2005, shall be applicable to any cause of action accruing prior to October 1, 2005.

Sec. 2. Section 52-184d of the 2006 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) For the purposes of this section:

(1) "Health care provider" means a provider, as defined in subsection (b) of section 20-7b, or an institution, as defined in section 19a-490, as amended, and includes a health care institution or facility operated by the state;

(2) "Relative" means a victim's spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half brother, half sister or spouse's parents, and includes such relationships that are

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created as a result of adoption and any person who has a family-type relationship with a victim;

(3) "Representative" means a legal guardian, attorney, health care agent or any person recognized in law or custom as a patient's agent; and

(4) "Unanticipated outcome" means the outcome of a medical treatment or procedure that differs from an expected result.

(b) In any civil action brought by an alleged victim of an unanticipated outcome of medical care, or in any arbitration proceeding related to such civil action, any and all statements, affirmations, gestures or conduct expressing apology, fault, sympathy, commiseration, condolence, compassion or a general sense of benevolence that are made by a health care provider or an employee of a health care provider to the alleged victim, a relative of the alleged victim or a representative of the alleged victim and that relate to the discomfort, pain, suffering, injury or death of the alleged victim as a result of the unanticipated outcome of medical care shall be inadmissible as evidence of an admission of liability or as evidence of an admission against interest.

Approved May 8, 2006